

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOSEPH MATZ

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

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) **Criminal No. 10-10220 NMG**

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**GOVERNMENT'S MOTION TO STAY LITIGATION PENDING
SUPREME COURT'S DECISION IN *BECKLES V. UNITED STATES***

The United States of America respectfully moves this Court to stay the litigation in this 28 U.S.C. §2255 matter pending the U.S. Supreme Court's decision in *Beckles v. United States*, Docket No. 13-13569. In support of this motion, the government states as follows:

1. In *Johnson v. United States*, 135 S. Ct. 2551 (2015), the U.S. Supreme Court held that the residual clause of the Armed Career Criminal Act ("ACCA"), 18 U.S.C. §924(e)(2)(B)(ii), which defines the term "violent felony" to include an offense that "involves conduct that presents a serious potential risk of physical injury to another," is unconstitutionally vague. In *Welch v. United States*, 136 S. Ct. 1257 (2016), the Court held that *Johnson* announced a substantive rule of constitutional law that applies retroactively to ACCA cases on collateral review. The Court has not held that *Johnson* applies to the United States Sentencing

Motion denied. SPM Gorton, USDJ 9/28/16